

# **Miami Dade County**

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Miami, Fl. 33128



## **LEGISLATIVE ANALYSIS**

Thursday May 20, 2004  
2:00 PM  
Commission Chambers

**Board of County Commissioners**

**Transportation Committee**

## LEGISLATIVE ANALYSIS AND ECONOMIC IMPACT STATEMENT

*ORDINANCE AMENDING SECTIONS 2-1421 AND 29-124 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, TO PROVIDE THAT THE COUNTY COMMISSION SHALL INITIATE ANY PROPOSED CHANGES TO OR ADDITIONS OF COUNTY PROJECTS TO THE PEOPLE'S TRANSPORTATION PLAN ("PTP") AND TO PROVIDE A TIME LIMIT FOR THE CITIZENS' INDEPENDENT TRANSPORTATION TRUST ("TRUST") TO MAKE A RECOMMENDATION ON THE COUNTY COMMISSION'S AWARD OF CONTRACTS FUNDED BY CHARTER COUNTY TRANSIT SYSTEM SURTAX PROCEEDS AND TO MAKE A RECOMMENDATION ON THE COUNTY COMMISSION'S APPROVAL OF CHANGES TO THE PTP; PROVIDING SEVERABILITY, INCLUSION IN CODE AND EFFECTIVE DATE*

Commissioner Dennis C. Moss

### I. SUMMARY

This ordinance seeks to amend sections 2-1421 and 29-124 of the Codes of Miami-Dade County governing the creation, duties, and responsibilities of the Citizens' Independent Transportation Trust.

### II. PRESENT SITUATION

On July 9, 2002, the Board of County Commissioners passed Ordinance No. 02-117 creating the Citizens' Independent Transportation Trust (CITT). The Board felt the creation of a Citizens' panel to oversee the implementation of the Peoples' Transportation Plan (PTP) and expenditure of proceeds derived from the proposed .5 cent surtax for transportation, was important in order to gain the public's confidence that the citizens of Miami-Dade County would receive what was proposed in the PTP. This support was seen as paramount in order to pass the surtax and PTP in the November 2002 .

The following are the Powers and Duties of the CITT as contained in the Ordinance passed on July 9, 2002:

**(f) Powers and Duties. The Trust shall have the following duties, functions, powers, responsibilities and jurisdiction with regard to use and expenditure of proceeds of any Charter County Transit System Surtax that is levied by the County under authority of §212.055(1) Fla.Stats.:**

**(1) To monitor, oversee, review, audit, and investigate implementation of the transportation and transit projects listed in any levy of the surtax, and all other projects funded in whole or in part with surtax proceeds;**

**(2) To assure compliance with any limitations imposed in the levy on the expenditure of surtax proceeds, including but not limited to:**

**(a) any limitation that surtax proceeds only be expended for the**

transportation and transit purposes specified in §212.055(1)(d)1-3 Fla.Stats.(2001);

(b) any limitation that no more than 5% of surtax proceeds be expended on administrative costs, exclusive of project management and oversight for projects funded by the surtax; and

(c) any limitation that the County Commission may not expend surtax proceeds to change materially or delete any project listed in the surtax levy nor to implement a project not listed in the levy without the prior recommendation of the Trust, except where such change, deletion and addition results from the MPO process.

(d) any requirement with regard to maintenance of effort of general fund support for MDTA.

(3) To assure compliance with federal and state requirements applicable thereto;

(4) To require monthly reports from the Manager, County agencies and instrumentalities regarding the implementation of the projects funded by surtax proceeds (which reports shall be posted on-line, i.e., made publicly accessible on the Internet);

(5) To file a report, including any recommendations, with the Mayor and the County Commission on a quarterly basis regarding the implementation of the projects funded by surtax proceeds; and

(6) To monitor, oversee and periodically report to the County Commission on the level of participation by CSBEs and CBEs in contracts funded in whole or in part with surtax proceeds, and to recommend ways to increase such participation.

Meanwhile, there seems to be some ambiguity as to whether the CITT was created to make sure the BCC was implementing the PTP and expending the funds in accordance with what was passed by the voters, or whether the CITT was originally intended as a policy making body.

### **III. POLICY CHANGE AND IMPLICATION**

This amendment to the code would establish that only the Board of County Commissioners shall initiate any material changes, deletions, or additions to the projects listed in Exhibit 1 of Ordinance 02-116.

Once the BCC has approved any such change, the item is forwarded to the CITT for approval. If the CITT does not approve the changes proffered by the BCC, the Board must re-affirm its' approval by a 2/3 vote of the Commission's membership.

**Transportation ITEM 1(F)1**  
**May 20, 2004**

Further, this amendment establishes the CITT must act on any changes established through this process within 30 days from the date the Commissions action becomes final.

**If the CITT fails to take action within this time period, the proposed changes, deletions, or additions will be deemed to have been approved by the CITT.**

**IV. ECONOMIC IMPACT**

This amendment has no fiscal impact to the County.

**V. COMMENTS AND QUESTIONS**

This amendment seeks to clarify whether changes, deletions, and/or additions to the projects listed in the PTP shall be initiated by the Board of County Commissioners

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The following is an excerpt from the County Clerk's Report on the creation of the CITT when it was passed by the Transportation Infrastructure and Environment Committee on May 28, 2002:

**Commissioner Barreiro noted the Trust would serve as an empowerment mechanism for citizens to be assured that allotted transit funding was appropriately managed without deviation from intent.**

Because the ordinance creating the CITT was originally sponsored and proposed by Commissioner Barreiro, this passage may help to determine the original intent of the CITT.

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Further, the following is the Ballot Language as it was presented to the voters of Miami-Dade County on November 5, 2002:

**Shall the County implement the People's Transportation Plan Including: Plans to build rapid transit lines to West Dade, Kendall, Florida City, Miami Beach and North Dade; expanding bus service: adding 635 buses; improving traffic signalization to reduce traffic backups; improving major and neighborhood roads and highways, including drainage; and funding to municipalities for road and transportation projects by levying a ½ percent sales surtax whose proceeds will be overseen by the Citizen's Independent Transportation Trust?**

## LEGISLATIVE ANALYSIS AND ECONOMIC IMPACT STATEMENT

*RESOLUTION MODIFYING TRANSIT FARE STRUCTURE FOR THREE YEARS TO ALLOW MIAMI-DADE COUNTY RESIDENTS TO USE THE TRANSIT SYSTEM WITHOUT PAYING A FARE IF THEY (1) ARE HONORABLY DISCHARGED VETERANS, AND (2) THEIR HOUSEHOLD INCOME DOES NOT EXCEED THE STANDARD THRESHOLD APPLIED TO DETERMINE ELIGIBILITY FOR THE LOW-INCOME, SENIOR CITIZEN'S ADDITIONAL HOMESTEAD EXEMPTION*

Commissioner Javier D. Souto

### I. SUMMARY

These two (2) agenda items seek to amend the Peoples' Transportation Plan (PTP) and Miami-Dade Transit's (MDT) fare structure to expand the County's "Golden Passport Program", for a three (3) year period, to include Honorably Discharged Veterans whose household income would not exceed the standard applied for the Senior Citizens' Additional Homestead Exemption.

### II. PRESENT SITUATION

In 1999 the Golden Passport Program was created to allow low income, elderly residents of Miami-Dade County to ride the public transit system fare free.

With the passage of the PTP, the program was expanded to include all seniors in Miami-Dade County, regardless of income.

Currently, about 100,000 residents are enrolled in the program.

### III. POLICY CHANGE AND IMPLICATION

This standard would allow Honorably Discharged Veterans in Low Income Households to take advantage of this program regardless of age.

Applicants for the program will have to provide proof of an Honorable Discharge as well as Household Income.

### IV. ECONOMIC IMPACT

The estimated loss of revenue to the County would be approximately \$670,000 per year.

MDT will be reimbursed by the PTP transit surtax for fare reductions associated with this expansion to the program

**Transportation ITEM 1(F)2 & 1(F)3**  
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**V. COMMENTS AND QUESTIONS**

**Any expansion of programs not originally included in the PTP will have a corresponding negative effect on the current pro-forma and associated revenues and project timelines.**

**TRANSPORTATION COMMITTEE ITEM 3(B)**  
**May 20, 2004**

**LEGISLATIVE ANALYSIS AND ECONOMIC IMPACT STATEMENT**

*RESOLUTION WAIVING COMPETITIVE BIDDING AND SETTING ASIDE FOR COMPETITION SOLELY AMONG BLACK BUSINESS ENTERPRISES PURCHASE OF AIRPORT PASSENGER AND BAGGAGE ASSISTANCE SERVICES AT MIAMI INTERNATIONAL AIRPORT; AWARDING MANAGEMENT AGREEMENT FOR AIRPORT PASSENGER AND BAGGAGE ASSISTANCE AT MIAMI INTERNATIONAL AIRPORT TO QUALITY AIRCRAFT SERVICES, INC.; APPROVING SUCH AGREEMENT BETWEEN THE COUNTY AND QUALITY AIRCRAFT SERVICES, INC.; AND AUTHORIZING THE COUNTY MANAGER OR HIS DESIGNEE TO EXECUTE THE AGREEMENT AND TO EXERCISE ANY AND ALL OTHER RIGHTS CONFERRED THEREIN*

Aviation Department

**I. SUMMARY**

This proposed resolution would waive competitive bid requirements and award a three-year, \$25,583,308 BBE set-aside contract to Quality Aircraft Services, Inc. (Quality) for operation and management of passenger and baggage assistance services at Miami International Airport (MIA).

This award recommendation is changed from that which had previously appeared in a public hearing before the Transportation Committee Agenda as Item 3(D) on November 25, 2003 with a County Manager's recommendation for award to N & K Enterprises, Inc. The County Manager withdrew this recommendation. Following the filing of a bid protest, the Hearing Examiner ruled in favor of Quality Aircraft Services' protest that, at the public hearing, the Committee Chairperson did not allow the firm to clarify and correct Quality Aircraft Services' bid which had mistakenly listed the annual amount of their proposed management fee instead of the monthly amount.

**II. PRESENT SITUATION**

This contract was subject of competition from three BBE firms:

Final Rank	Firm	Proposed Management Fee*
1	Quality Aircraft Services, Inc.	\$140,000.04 per year/\$11,666.67 per month
2	N & K Enterprises, Inc.	\$180,000.00 per year/\$15,000.00 per month
3	Puryear, Inc.	\$140,000.04 per year/\$11,666.67 per month

\* Other selection criteria considered included experience of the proposer, general manager's experience and qualifications, work plan, and employment plan.

**III. POLICY CHANGE AND IMPLICATION**

This award and the finding in the bid protest may provide precedent for future BCC Committee public hearing processes.

**TRANSPORTATION COMMITTEE ITEM 3(B)**  
**May 20, 2004**

**IV. ECONOMIC IMPACT**

Estimated total cost of \$25,583,308 (Airport Revenue Funds) including:

- Reimbursable operating expenses and
- Management fee (\$11,666.67 per month/\$140,000.04 per year)

Reimbursable operating expenses are "all direct costs of operation...including material costs, payroll and related expenses, utilities, bonds and insurance, audits, capital operating equipment, maintenance and such other operating expenses approved by the Department or described in the approved Annual Operating Budget." Reimbursable expenses are to be paid through an Imprest Operating Account funded by MDAD and an Imprest Payroll Account. (Art. 4.01-4.03, handwritten pp. 85-86).

Non-reimbursable expenses are defined in the contract (Art. 4.12, handwritten pp. 89-90).

Like the recently approved MIA Fuel Farm management agreement, this contract does stipulate that the General Manager's salary and benefits, including fringe benefits, are not reimbursable expenses [Art. 4.12(G), handwritten pp. 89-90].

**V. COMMENTS AND QUESTIONS**

- Unlike the recently approved MIA Fuel Farm management agreement, this contract does not require that the dedicated full-time on-site General Manager to be or become a Miami-Dade County resident.

This contract includes checks and balances including: (

- Annual operating budget and operating forecast which require MDAD approval;
- Weekly performance reports;
- Monthly financial statements;
- Quarterly financial report;
- Annual audited financial statement of operations under the agreement; and
- Various other reports (incident, daily airline carousel assignment, daily shift, & supervisor's report of employee job injury or disease).



**LEGISLATIVE ANALYSIS AND ECONOMIC IMPACT STATEMENT**

*RESOLUTION AUTHORIZING REJECTION OF ALL PROPOSALS IN CONNECTION  
WITH RFP NO. 362, FOR AN ELECTRONIC INFORMATION SYSTEM AND  
AUTHORIZING THE COUNTY MANAGER TO RE-ISSUE A REVISED RFP NO. 362-A*

Miami-Dade Transit Agency

**I. SUMMARY**

This resolution seeks approval to reject proposals received through RFP No. 362 and re-advertise a revised RFP for the procurement of an Electronic Information System for Miami-Dade County's Transit System.

**II. PRESENT SITUATION**

The original RFP was approved to be issued in July 2002.

The program envisioned by MDT would provide "real time" audio and visual data related to stop announcements and arrival times for Miami-Dade County's transit system. Further, the program would provide emergency information for riders regarding service delays or weather warnings.

Proposals were received from three (3) bidders in conjunction with the original issuance. The Evaluation/Selection Committee determined that the proposal received from **Transit Television Network, LLC (TTN)** was the sole responsive and responsible proposal.

The County began negotiations with TTN in July 2003.

Prior to forwarding a negotiated contract to the Transportation Committee for approval, TTN announced they could no longer meet the negotiated terms. TTN's initial alternative payment structure was unacceptable to the County and subsequent negotiations have failed to yield a mutually agreed upon revenue amount.

**III. POLICY CHANGE AND IMPLICATION**

This resolution would approve the County Manager's Office ability to re-advertise the RFP with incorporated changes with reference to technology changes, bonding requirements, and Audit Reports associated with the Annual Gross Revenues (AGR) of the contractor.

Because, TTN was the only responsible and responsive bidder to the first RFP, there is no assurance that the revenues proposed by TTN were the best possible deal for the County. Because TTN was the only bidder left to negotiate, they did not have to take into account Minimum Annual Guarantees (MAGs) of competitors when renegotiating with the County.

**Transportation ITEM 3(E)**

**May 20, 2004**

**IV. ECONOMIC IMPACT**

Because this is a Revenue Generating contract there are some losses in revenues associated with a delayed award.

However, the Department hopes that these losses will be offset by a better proposal received in a competitive market.

**V. COMMENTS AND QUESTIONS**

So far, over 21 months have elapsed since the Department received approval to issue this RFP. If the BCC authorizes a re-advertisement of this RFP almost two (2) years will have elapsed and the County will essentially be back to square one with reference to procuring this service.

It is reasonable to assume that the re-advertisement of this RFP will result in at least 12 months prior to this contract being awarded.

Taking into account only the MAG of \$50,000 by TTN, a new contract would have to have an increased MAG of at least 15-20% to offset the revenues lost during a single year's time delay associated with re-advertising this RFP.

**TRANSPORTATION COMMITTEE ITEM 3(J)**  
**May 20, 2004**

**LEGISLATIVE ANALYSIS AND ECONOMIC IMPACT STATEMENT**

*COMMAND, COMMUNICATION AND CONTROL (C-3) BUILDING PROJECT NO.  
2002.054*

Seaport Department

**I. SUMMARY**

This is a proposal to authorize a request for proposals (RFP) to build a five (5)-story, 49,706 sq. ft. Command, Communication and Control Building (C-3) at the Port of Miami. This building will be used to consolidate existing emergency operations, security, police, port berthing control and other regulatory functions. For emergency operations purposes, the building would be designed to withstand hurricane force winds and to have its own emergency generator located *"above the Port's Base Flood Elevation (BFE) and of any probable storm surge"* (last paragraph, handwritten p. 1).

**II. PRESENT SITUATION**

These functions are presently distributed at various locations throughout the Port thereby making coordination more complex and less reliable than is desirable, particularly under emergency conditions.

**III. POLICY CHANGE AND IMPLICATION**

Existing facilities that are vacated by functions moving into the C-3 Bldg. will expand available space available for revenue producing tenants.

**IV. ECONOMIC IMPACT**

Estimated cost: \$8,261,787

- Approx. \$4 million in Federal TSA grant funding and
- Balance through Sunshine State Loans to be repaid from Seaport revenue. (Note: A repayment plan for the resulting Sunshine State Loans is not included with the Item.)

**V. COMMENTS AND QUESTIONS**

The hurricane resistant C-3 Bldg. could increase safety for the skeleton staff that remains at the Seaport during hurricane preparations.

- Availability of the C-3 Bldg. should probably not be seen as a reason to keep additional personnel at the Seaport when the port is closed by the USCG Captain of the Port during severe weather conditions. Maintaining any large number of personnel and functional responsibility on such a low-lying, flood prone island, like Dodge Island, would incur significant risk on the part of the assigned employees and liability on the part of the County.

**LEGISLATIVE ANALYSIS AND ECONOMIC IMPACT STATEMENT**

*RESOLUTION AUTHORIZING THE COUNTY MANAGER TO REJECT THE PROPOSALS RECEIVED FOR REQUEST FOR PROPOSALS NO. 427 AND TO ADVERTISE REQUEST FOR PROPOSALS NO. 427A FOR AND ON BEHALF OF MIAMI-DADE COUNTY TO OBTAIN FINANCIAL CONSULTING SERVICES FOR CITIZENS' INDEPENDENT TRANSPORTATION TRUST, TO EXERCISE ANY CANCELLATION AND READVERTISE ANY CANCELLATION AND READVERTISEMENT PROVISION AND TO EXERCISE ALL OTHER RIGHTS CONTAINED THEREIN*

County Manager

**I. SUMMARY**

This item seeks to reject all proposals and re-advertise RFP No. 427A for the procurement of Financial Consulting Services for the Citizens Independent Transportation Trust (CITT).

**II. PRESENT SITUATION**

On July 9, 2002 the Board of County Commissioners passed Ordinance 02-117 creating the Citizens Independent Transportation Trust (CITT).

The main focus of the CITT was to monitor, oversee, review, audit, and investigate implementation of the transportation and transit projects listed in any levy of the surtax, and all other projects funded in whole or in part with surtax proceeds.

On January 20, 2004, the Board of County Commissioners (BCC) approved the issuance of RFP No. 427 for the procurement of an Independent Financial Consultant for the CITT. This RFP was a "Set Aside" for a Woman Owned Business Enterprise (WBE).

Two (2) proposals were submitted.

- Isela Monteagudo, C.P.A., P.A.
- Odeon Group, Inc.

**The Evaluation/Selection Committee (Committee) recommended that both proposals be rejected on the basis of low technical scores received during the evaluation process.**

The Scope of Work conveyed upon the CITT would justify the need for a Financial Consultant/Auditor.

The County utilizes consultants such as this in various departments for a wide range of technical support.

### **III. POLICY CHANGE AND IMPLICATION**

This new RFP would be open to WBE, BBE, and HBE firms with a 10% weighted Selection Factor applied to firms who are certified by DBD in the women/minority programs.

Further, the new RFP was changed to include Subcontractor Goals instead of Selection Factors. This change was made to ensure that WBE, BBE, and HBE participation would meet specific levels of service, as opposed to being used solely to win the bid actually not perform the desired level of work.

### **IV. ECONOMIC IMPACT**

This resolution establishes an estimated contract ceiling of \$500,000 per year.

**The County Manager proposes that these services be funded entirely through the Charter County Transportation Surtax.**

However the contract ceiling will actually be based on negotiated lump sum fees for specific tasks and a negotiated multiplier for professional, clerical, and administrative staff.

Recent contracts put forward by the Public Works Department list a 2.85 multiplier as the industry standard for Engineering Consulting work. Although the industry standard for Financial Consulting may be lower, it could be assumed that the multiplier would be in the 2.3 to 2.95 range. This means that for every dollar paid by the consultant to its employee, the CITT would reimburse the consultant between \$2.30 and \$2.95.

Multipliers like these are common practice in the consulting industry. These multipliers are designed to compensate the consultant for reasonable fringe benefits, overhead, and profit.

### **V. COMMENTS AND QUESTIONS**

None.